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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE LUIS HERNANDEZ GONZALEZ,

Defendant.

CASE NO. 1:21-CR-00114-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: March 1, 2023
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

BACKGROUND

This case is set for status conference on March 1, 2023. By this stipulation, defendant now moves to vacate the status conference and **set the case for a change of plea hearing on May 1, 2023, at 10:00 a.m.** before the Hon. Jennifer L. Thurston. The proposed change of plea date represents the earliest date that all counsel are available, taking into account counsels' schedules, defense counsels' commitments to other clients, and the court's available dates for a change of plea hearing. In addition, the public health concerns cited by General Orders 611, 612, 617, 618, and 620 and subsequent general orders presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in this case because counsel or other relevant individuals have been encouraged to telework and minimize personal contact to the greatest extent possible.

1. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case is

1 voluminous and includes thousands of pages of documents including investigative reports and
2 photographs as well as large media files including hours of recorded calls, large cell phone
3 extractions, social media account search warrant returns, and other items. All this discovery has
4 been either produced directly to counsel and/or made available for inspection and copying.
5 Moreover, the government is still receiving discovery from the investigative agency and will
6 continue to provide that supplemental discovery on a rolling basis.

7 b) The government has presented the Defendant with a plea agreement and counsel
8 for defendant desires additional time finalize the agreement and prepare for the change of plea
9 hearing.

10 c) Counsel for defendant believes that failure to grant the above-requested
11 continuance would deny him/her the reasonable time necessary for effective preparation, taking
12 into account the exercise of due diligence.

13 d) The government does not object to the continuance.

14 e) In addition to the public health concerns cited by General Orders of this Court and
15 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in
16 this case because the defendant is not detained pending trial.

17 f) Based on the above-stated findings, the ends of justice served by continuing the
18 case as requested outweigh the interest of the public and the defendant in a trial within the
19 original date prescribed by the Speedy Trial Act.

20 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
21 et seq., within which trial must commence, the time period of March 1, 2023 to May 1, 2023,
22 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
23 because it results from a continuance granted by the Court at defendant's request on the basis of
24 the Court's finding that the ends of justice served by taking such action outweigh the best interest
25 of the public and the defendant in a speedy trial.

26 2. Nothing in this stipulation and order shall preclude a finding that other provisions of the
27 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
28 must commence.

1 IT IS SO STIPULATED.

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4 Dated: February 22, 2023

PHILLIP A. TALBERT
United States Attorney

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6 /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

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9 Dated: February 22, 2023

/s/ Mark Coleman
Mark Coleman
Counsel for Defendant
Jorge Luis Hernandez Gonzalez

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14 **ORDER**

15 IT IS SO ORDERED.

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18 DATED:2/23/2023

Sheila K. Oberto
THE HONORABLE SHEILA K. OBERO
UNITED STATES MAGISTRATE JUDGE